

**TOWN OF SUPERIOR
TOWN COUNCIL MINUTES
THURSDAY, OCTOBER 8, 2015**

**REGULAR MEETING OF THE SUPERIOR TOWN COUNCIL HELD ON THURSDAY
OCTOBER 8, 2015 AT 7:00 PM IN THE SUPERIOR AUDITORIUM 199 N. LOBB AVENUE,
SUPERIOR, ARIZONA, PINAL COUNTY, ARIZONA.**

CALL TO ORDER

Mayor Valenzuela called meeting to order at 7:00 P.M.

ROLL CALL

Mayor	Jayme Valenzuela – Present
Vice-Mayor	Olga Lopez – Present
Councilmember	Gilbert Aguilar – Present
Councilmember	Michael Alonzo – Present
Councilmember	Mila Besich-Lira – Present
Councilmember	Steve Estatico – Present
Councilmember	John Tameron – Present

PLEDGE OF ALLEGIANCE

Mayor Valenzuela led everyone in attendance in the Pledge of Allegiance.

INVOCATION

Pastor Dennis Van Gorp, of Family Life Christian Center led everyone in the Invocation.

STAFF PRESENT

Town Manager	Margaret Gaston
Town Attorney	Stephen Cooper
Town Clerk	Rachelle Sanchez
Chief	Mark Nipp
Sergeant	David Neuss

PUBLIC ATTENDANCE

Sue Anderson
Garye Diyie Briegel
Derek White
Theo Wright

SPECIAL PRESENTATIONS

Derek White, Assistant General Manager, San Carlos Apache Telecommunications Utility, Inc. Triplet Mountain Communications, Inc. stated that San Carlos Apache Telecommunications Utility Inc. is an authorized competitive local exchange carrier to

do business in the state of Arizona. The organization as a whole is a subsidiary of San Carlos Telecommunications Utility, Inc. They have built a pretty robust network to feed the San Carlos Apache community. With the building of the network it came through the Town of Superior and they see opportunity for Triplet M.C. Inc., to become a competitor in the Town of Superior for internet services throughout the Town. They already have a location near the school and fire station which will be used as the distribution point in the Town. Councilmember Besich-Lira asked when do they plan on starting the construction and if they will be a service provider so people have more internet options. Mr. White stated that yes that is correct. The project was scheduled to be completed in January but they are ahead of schedule and it will be completed by the end of the year.

STAFF REPORTS

Manager – Margaret stated that she attended the transportation meeting and met all the new District Engineers that will be involved in the CAG region. She spoke to Bill Harmon who is the District Engineer for the Southeast District; he will be attending the next Council meeting to introduce himself.

Margaret stated that Ken Hall and Andy Smith will be here next month at 6:30 to give a presentation and discussion on the Pinal Regional Transportation Authority. She stated that the Pinal Regional Transportation Authority is funded by the half cent tax that will go before voters in the May 2016 election.

The Superior Para Grant will be advertising for contractors on October 23, 2015. They are still moving forward with the Highway Safety Improvement Program Grant for new street signs and regulatory signs. We were awarded that contract, but a new application had to be sent in as soon as possible. The application was completed and submitted today.

Octobers Trunk or Treat which is sponsored by the Optimist Club and the VFW will be October 30, 2015 it's a Friday. A request to close Main Street at Lobb Ave. west to Save Money Market was not submitted, but it's an annual event. It will be held in front of the VFW and Mike Montiel has talked to Porters already, they just forgot to submit the form. This will be approved as we don't want children to miss out on this annual event. The VFW will have restrooms available. The only thing that the Town needs to provide is the barricades for Main Street. The event is taking place on Friday because we all know that Superior High School Football team is going to state and that game is scheduled for October 31, 2015.

Margaret also stated that she wanted to thank Mark Nipp for all of his hard work and time while working at the Police Department.

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Mayor – Mayor Valenzuela stated that we are still wanting to do the clean up at the cemetery we are looking at dates in November. He also stated that he attended a Special Olympics Event and it was very rewarding to see all the participants and how much effort they put into the event that they are in. He stated there was a participant that was 62 years old and had won gold medals running in marathons. He stated that if you're going to do something do it because you care and because you know that in the end it's going to make a difference. If you ever have a chance to attend a Special Olympics event do it.

CONSENT AGENDA

Pursuant to Section 2-4-6 (D), matters listed under the Consent Calendar are considered to be routine and will be enacted by one motion and one vote. Prior to consideration of the Consent Agenda, the Mayor will ask whether any members of the Council request any items be removed from the Consent Agenda for separate discussion.

- A. Minutes of Regular Meeting in September 10, 2015
- B. Department Reports
 - Fire
 - Library
 - Police
 - Senior Center
 - Public Works
 - Sanitation
 - Superior Magistrate Court

Motion to approve the Consent Agenda as presented was made by Councilmember Estatico, second by Councilmember Besich-Lira, motion carries.

NEW BUSINESS

Discussion/Possible Approval of Vehicles for Auction.

Margaret stated that a total of six (6) vehicles were sent to be auctioned off. The Town had to pay to have the vehicles towed to the valley. Two towing companies were considered for towing, decals had to be removed off two of the vehicles. The auction company gets a commission. Overall the Town will receive \$1711.30 for the six vehicles. The money will be put into the General Fund to help pay for the health insurance for employees. We still have some more vehicles to send in for auction. In your council packets there is a list of vehicles that were approved for surplus and not sent in yet. The Town has agreed to purchase three vehicles from the City of Maricopa, the cars have

been delivered. We have looked at our vehicles and are trying to keep the best ones here in operation. We want to keep the police yard looking neater and cleaner, and not have vehicle sitting there that have no value and don't run. Chief Nipp spoke about the other two vehicles he suggests the Town take to auction. He stated that the three cars from Maricopa were Dodge Chargers that have fully equipped lights and sirens. The docking stations are also in the cars. The docking stations are for mobile computers, and we are currently working a deal for the computers at \$20.00 a piece. Councilmember Aguilar asked if the two cars that we want to take to auction are working cars. Chief Nipp stated that the value of the cars itself is lower than the cost to repair the cars. Councilmember Aguilar asked is we could use them for scrap metal. Chief Nipp stated that we are getting more money out of the auction.

Councilmember Besich-Lira motioned to approve the vehicles for auction. Second by Councilmember Alonzo, motion carries.

Discussion and Possible Approval of Contract for Wastewater Rate Study by Eric Duthie in the Amount of \$7,000.00

Margaret stated that the Council has been discussing a Water Rate Study in order to move forward with raising the wastewater rates. Margaret stated that over the past month we have had expensive cost repairs to the backhoes, ambulance and cost for the audits to be completed all of these expenses were necessary, but it has delayed the Wastewater Rate Study. Margaret stated that Eric Duthie will be conducting the study he will facilitate a Public Hearing, and will present to the Council the rate study with recommendations and will satisfy all the requirements on order to raise the rates. The total cost is \$7000.00 and it will be completed in 210 calendar days. Margaret stated that she does recommend Council approve the contract with Eric Duthie for the rate study. Councilmember Estatico asked what was involved in the complete study, what is he going to be looking at. Margaret stated that she didn't know the details of the study. Margaret stated that she's never done one they used to try to do them in Kearny by themselves but it never worked. Margaret stated that they go out and get all the rates throughout the state of Arizona and compare them. They then facilitate the Public Meeting which people are usually not happy when you're raising their rates. They will show the rate comparison which will show that Town of Superior rates are much lower than anyone else. Mr. Cooper stated that Arizona law requires you to have a rate study. As part of the agreement just because someone else charges a different rate we can't just adopt it if you like it. They also look at operational cost of your plant, your capital maintenance program and look if you have a capital reserve. Anytime you get any funding from Rural Development one of the requirements is that you have a rate study to show that the income you make from operations of the plant will be enough to service the debt. Plus the amount set aside basically for operating the plant. Councilmember Alonzo asked for a scope of work in the future.

Motion to approve the contract for the rate study with Eric Duthie was made by Councilmember Besich-Lira, second by Vice Mayor Lopez, motion carries.

Discussion and Declaration of James Bordenave's Term as a Planning and Zoning Commissioner is Terminated and Direction to Staff

Margaret stated that in July the Planning and Zoning Commission requested that we start the procedure of removing James Bordenave from the Commission because of lack of attendance of meetings. An email was sent to Mr. Bordenave and also a certified letter asking him to let the Town know his intentions regarding his seat on the Planning and Zoning Commission. There was no response to either one. After the August meeting Council was notified by the Zoning Commission that only Council can declare the seat empty, not the Planning and Zoning Commission. In September the Planning and Zoning Commission did not have a quorum so the meeting was not held. There is no meeting planned for October at this point Lawrence Tomasello will be on vacation. James Bordenave has not attended the required meetings, and has not responded to any notifications, so therefore the request of the Planning and Zoning Commission is to have James Bordenave's term as a Planning and Zoning Commissioner terminated. The Council will then direct staff to advertise a seat is open expiring in June 2016. Councilmember Aguilar motioned to accept the termination of James Bordenave's term as a Planning and Zoning Commissioner, second by Councilmember Estatico, motion carries. Councilmember directed staff to run opening for 30 days to fill if not filled then 60 days.

Discussion and Acceptance of Police Chief Mark Nipp's Resignation

Margaret stated that Chief Nipp has resigned to take the position as Chief of Police for the City of Globe. It is Council's responsibility to appoint an Interim or a Police Chief. At this time Council needs to accept Chief Nipp's resignation which will be effective October 8, 2015.

Councilmember Alonzo motioned to accept Chief Nipp's resignation, second by Councilmember Estatico, motion carries.

All Councilmember's thanked Chief Nipp for all his work.

Discussion and Possible Appointment of Sgt. David Neuss as Interim Police Chief or Chief of Police.

Margaret stated that at this time she recommends Council appoint Sgt. Neuss as Chief of Police and approve the contract. Margaret stated that if Council would like they may enter into Executive Session to interview Sgt. Neuss.

Councilmember Alonzo motioned to go into Executive Session to discuss the appointment of Chief of Police for no more than 30 minutes, second by Councilmember Tamaron, motion carries

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Entered into Executive Session at 7:38 P.M.

Motion to enter back into Regular Session made by Councilmember Besich-Lira, second by Councilmember Aguilar, motion carries.

Entered back into Regular Session at 8:03 P.M.

Councilmember's had several questions for Sgt. Neuss.

Councilmember Alonzo motioned to appoint Sgt. Neuss as the Chief of Police for the Town of Superior, second by Councilmember Besich-Lira, motion carries.

Discussion and Possible Approval of Contract for the Police Chief's Position, Salary \$60,000.00 Per Year

Margaret stated that at this time Council should consider possible approval of a contract between the Town of Superior and David Neuss as either Interim or the Chief of Police.

Margaret stated that she recommends the Council accept the contract at \$60,000.00.

Councilmember Alonzo motioned to approve the contract and appoint Sgt. Neuss as the new Chief of Police for the Town of Superior, second by Councilmember Estatico, motion carries.

Discussion of Evaluation of Superior Town Employees and Direction to Staff

Margaret stated that Council had discussed employee evaluations this year. She stated that Council does the evaluations for the Town Manager and the Chief of Police. The Manager completes evaluations for department heads, and the department heads fill out the evaluations for their employees. This was requested by a Councilmember and the Mayor. This item is for discussion, if Council wants to move forward, then evaluation forms can be given out at the next Council meeting. Council can direct staff on how to proceed.

CALL TO THE PUBLIC

Any citizen desiring to speak on a matter that is not scheduled on this agenda may do so at this time. Comments may be limited to three minutes per person and shall be addressed to the Town Council as a whole, and not to any individual member. Issues raised shall be limited to those within the jurisdiction of the Town Council. Pursuant to the Arizona Open Meeting Law, the Town Council cannot discuss or act on items presented at this time.

Pam Rabago stated that she arrived late and didn't get all the details of the Wastewater Survey, but she hopes there's a scope of work and Council understands what it is. She also stated that the public should know about the \$350,000.00 that was spent on the Wastewater Treatment Plant a few years ago. She stated that they have asked for the information for the past four years and never received it. She also stated that they need

to know what the past due is on accounts and what needs to be collected. Council needs to do their job in collecting; you just can't raise the rates and expect the people that are paying their bills to pay for everybody else. Ms. Rabago stated that there are other rentals in the Town, or is the Town requiring that the Chief use Mr. Tameron.

SUMMARY IF CURRENT EVENTS

Councilmember Besich-Lira stated that Homecoming is next week. Also Trunk or Treat is on the 30th, there will also be a parade on the 30th.

Councilmember Aguilar stated that there is a football game on Friday come out and Support the team.

Councilmember Alonzo stated that Channel 12 has Friday Night Lights and will be show casing Superiors football team. He also stated that the Jr. High is also doing a great job they will be playing Tuesday at 6:00 p.m., and if they win they will be playing the following Tuesday for the Championship at 6:00 p.m., come out and support the Jr. High Football team.

Councilmember Estatico stated the Jr. High volleyball team will be playing in the tournament in Kearny on Saturday.

Councilmember Tameron stated that he just wanted to make it clear that Chief Neuss approached him about renting a space from him. He also wanted to thank Mark Nipp for all he has done while he was the Chief here.

SCHEDULING OF MEETINGS AND EVENTS

Planning and Zoning Meeting, October meeting is cancelled.

Superior High Scholl Homecoming & Parade, October 16, 2015

Council Meeting November 12, 2015, at 6:30 p.m.

EXECUTIVE SESSION

Confidentiality Statement

At the April 10, 2014 Council Meeting the following member of the Superior Town Council declared a conflict of interest concerning matters involving Resolution Copper, Mayor Valenzuela, Vice Mayor Lopez, Councilmember Tameron and Councilmember Aguilar. Due to the four conflicts of interest the Superior Town Council would not be able to discuss matters involving Resolution Copper. However, pursuant to A.R.S. 38-508 if conflicts of interest prevent a town from acting as required by law in its official

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capacity, such action shall not be prevented in the Councilmember's who have apparent conflicts make known their conflicts of interest in the official records of the Town.

Due to the fact the Mayor, Vice Mayor and two Councilmember's have publically declared their conflicts of interest at the prior Council Meeting and the Town Council would not be able to address matters involving Resolution Copper pursuant to A.R.S. 38-508.

Discussion or consultation with the attorney(s) of the public body in order to consider its position and instruct its attorney(s) regarding the public body's position regarding contracts, contracts subject to negotiation and or in settlement discussions conducted in order to avoid or resolve litigation. Pursuant to A.R.S. Section 38-431.03(A) (3) & (4):

Resolution Copper status of negotiations concerning possible Emergency Service agreement.

Councilmember Estatico motioned to go into Executive Session with the Town Attorney, Town Manager and Council for no more that 30 minutes. Seconded by Councilmember Tameron, motion carries.

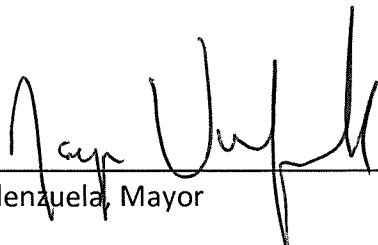
Entered into Executive Session 8:28 P.M.

REGULAR SESSION

Motion made by Councilmember Estatico to enter back into Regular Session and proceed as discussed in Executive Session, second by Councilmember Besich-Lira, motion carries.

ADJOURNMENT

Motion to adjourn made by Vice Mayor Lopez, second by Councilmember Besich-Lira, meeting adjourned 9:00 P.M.



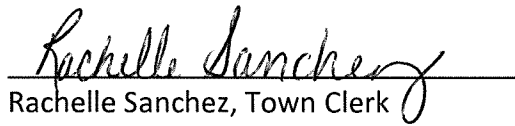
Jayme Valenzuela, Mayor

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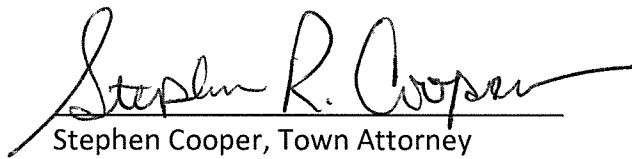
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Attest:


Rachelle Sanchez, Town Clerk

Approved to Form:


Stephen Cooper, Town Attorney